The Planning Inspectorate

Costs Decision

Site visit made on 4 November 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Appeal Ref: APP/M5450/D/22/3303370
2 Andrews Close, Harrow HA1 3GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs Fiona Habib against the decision of Harrow Council.
- The appeal was against the refusal of planning permission Ref: P/0920/22 dated 3 March 2022, for a single storey side extension to include covered seating area at the back.

Decision

1. The appeal for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. In this case the Appellant is aggrieved primarily due to the allegation that the planning case officer failed to give due care and attention to the assessment of the case. This was alleged to be largely due to the case officer being on holiday and thereby not having the time or capacity to fully consider the original planning application or to offer enough reasoning or justification to refuse the application on design and character grounds.

4. The Local Planning Authority (LPA) have not provided me with any evidence to explain or dispute these claims. Nevertheless, I have considered the evidence before me based upon the delegated decision notice and the reasons for refusal.

5. In assessing this award for costs therefore it appears to me that the delegated report is actually thorough in its detail and consistent in its regard of relevant policies. The case officer confirms that he attended site to inspect the property, at least externally, which I consider shows some consideration. Moreover, I consider that the reasons for refusal are credible in terms of the Council's opinion.

6. The fact that I have found against the Council in this matter does not demean the credibility of the argument put forth however and I am unable to obtain any sense that due care or attention was lacking or that the assessment of the application was rushed.

7. Therefore, although I sympathise with the feelings of the Appellant in this matter I am unable to conclude that action of the case officer or the Council represented unreasonable behaviour as defined in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award of costs is not therefore justified.

A Graham

INSPECTOR